

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of Interior
Bureau of Land Management**

PART I. – PROPOSED ACTION

BLM Office: Tucson Field Office
2015-0012-CX

NEPA No.: DOI-BLM-AZ-G020-

Case File No.: AZA-32153

Proposed Action Title/Type: Humane Borders Water Station permit renewal

Applicant: Humane Borders, Inc.

Location of Proposed Action: Outside of and within the IFNM:

T. 12 S., R. 8 E., sec. 6, lot 14;
sec. 18, lot 8;

T. 14 S., R. 10 E., sec 11, E1/2SE1/4NE1/4.

Description of Proposed Action: Humane Borders has requested to renew its land use permit to continue to install three water stations on public lands, one station lies within the southeast corner of the IFNM and the other two lie outside of the IFNM in an area referred to as Little Ranch. The water stations serve to provide water to undocumented immigrants migrating through the IFNM and adjacent public lands. The BLM has issued its short term land use permit to the Humane Borders since 2002. The water stations at each site consists of two 60 gallon plastic water barrels with a spring loaded faucet placed on a 2' x 3' metal stand, and a 30' to 40' aluminum flag pole attached with a 2 foot spike at the bottom. A 2' x 3' blue flag is hung from the pole. The flag pole and flag are placed nearby the water tanks a few feet away. The water tanks are placed nearby existing roads and in a previously cleared area. There is minimal ground disturbance occurring with the setup and take down of the tanks, stands and flag poles.

The water stations are placed in an area where there has been historic high foot traffic or future anticipated migration foot traffic. The water tanks are serviced by Humane Borders who deliver water to the tanks by either hand carried containers or by a water hose. No off road travel is permitted to service the water stations.

The permit will authorize 2 service periods, the first being from May 1, 2015 to September 1, 2015, and resuming on May 1, 2016 to September 16, 2016. The permittee is required to maintain liability insurance as described in the attached stipulations.

Part II. – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s): The Ironwood Forest National Monument Resource Management Plan (2013), and the Phoenix Resource Management Plan (1989).

Decisions and page nos.: Page 77, LR-008: Avoidance and Exclusion Area, 3: Land use authorizations for permits and easements will be considered on a case-by-case basis, consistent with the protection of the Monument objects.

Date plan approved/amended: February 2013, and 1989

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III. – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E. Realty 19: Issuance of short-term (3 years or less) rights-of-way or land use authorizaion,... ;

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:

DATE:

Susan Bernal

Darrell Tersey

Amy Sobiech

/s/ Amy Markstein
PLANNING & ENVIRONMENTAL SPECIALIST

4/28/15
DATE

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes**No****x**

Rationale: The proposed action will not cause significant impacts to public health or safety. The activities of the proposed action do not pose any threat to public health or safety. The project is contained to minimal land use and in a remote setting.

Preparer's Initials sdb

<p>(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: The proposed action will not have significant impacts on any natural resources, unique geographic characteristics as historic or cultural resources; national monuments and any other features as stated in item "b".</p> <p style="text-align: right;">Preparer's Initials <u>dt</u></p>
<p>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: The proposed action or its activities being minimal in nature should not cause any conflicts or highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of resources.</p> <p style="text-align: right;">Preparer's Initials <u>sdb</u></p>
<p>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: The proposed action does not have or involve any features that will have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p> <p style="text-align: right;">Preparer's Initials <u>sdb</u></p>
<p>(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.</p>		
Yes	No <input checked="" type="checkbox"/>	<p>Rationale: The proposed action does not pose significant environmental effects and will not set a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. The proposed action is a common permit request accepted by the BLM.</p> <p style="text-align: right;">Preparer's Initials <u>dt</u></p>

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action does not have a direct relationship to other actions with insignificant but cumulatively significant environmental effects. There are no other actions existing that would cause it to have a direct relationship and cumulatively significant environmental effects. <div style="text-align: right;">Preparer's Initials <u>dt</u></div>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action does not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau. The proposed action has been cleared by an Archaeologist. <div style="text-align: right;">Preparer's Initials <u>as</u></div>
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action does not have significant impacts on species listed or proposed for listing on the list of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. The proposed action has been cleared on April 20, 2015 by a Natural Resource Specialist for any impacts to Endangered or Threatened Species and their Critical Habitat. <div style="text-align: right;">Preparer's Initials <u>dt</u></div>
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No <input checked="" type="checkbox"/>	Rationale: The proposed action has minimal environmental impacts and does not violate federal law, or a state, local or tribal law or requirement imposed for the protection of the environment. The applicant is required to comply with all laws under the permit. <div style="text-align: right;">Preparer's Initials <u>sdb</u></div>

(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
Yes	No x	Rationale: The proposed action does not have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). The proposed action is located in a remote setting far from any populated areas. <div style="text-align: right;">Preparer's Initials <u>sdb</u></div>
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
Yes	No x	Rationale: The proposed action has been culturally cleared on April 17, 2015 and does not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). <div style="text-align: right;">Preparer's Initials <u>as</u></div>
(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
Yes	No x	Rationale: The proposed action and its activities does not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introductions, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). All vehicular travel will be contained to existing roads and trail which is also open and used by the general public. <div style="text-align: right;">Preparer's Initials <u>dt</u></div>

PART V. –COMPLIANCE REVIEW CONCLUSION

I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.

MITIGATION MEASURES/OTHER REMARKS: See attached for permit stipulations and mitigation measures.

APPROVING OFFICIAL: _____ DATE: _____

TITLE: _____

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.